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cont. tuberisation phase, two doses of 50 g. each per hectare of copper salts of butyric-amino acids.

REMARKS

A final Office Action issued on January 8, 2002; this submission responds to points in that Office Action.

The Examiner has rejected claim 17 as being indefinite under 35 USC 112 and has inquired what object the copper salt was applied to. The copper salt is administered to a potato crop, and the claim has been amended accordingly herein.

With respect to the rejection of the claims under 35 USC 102(b) and 103(a), it is noted that applicants have discovered a new use for lipo-amino acids and their salts. The new use relates to increased crop yield and protection of the crops and plants against viruses, microorganisms and destructive animals. The Examiner appears to admit that neither Valentin nor DeMil teach this new use. If the art does not teach the new use, how can it be inherent? Applicants are not reciting characteristics of a compound. Rather, their claims are directed to a new use of a claimed compound. Respectfully, this new use is patentable.

The Examiner's attention is directed to the particular new uses recited in claims 12-19. Claims 12 and 19 recite the new use of zinc salts of butyric-amino acids to repel animals; claim 13 recites the new use of zinc salts of butyric-amino acids to increase crop germination and root development; claims 14 and 18 recite the new use of copper salts of caprylic amino acids to protect crops and leaves against viruses and microorganisms; claim 15 recites the new use of copper salts of caprylic amino acids to increase sugar content of beets; claim 16 recites the

new use of copper salts of caprylic amino acids to increase sugar content in grapes; and claim 17 recites a new use of copper salts of butyric-amino acids to increase potato crop yield.

It is respectfully submitted that the Examiner has failed to appreciate the new uses recited in the claims. Even though the prior art references contain the same or similar compounds, there is no teaching of the applicants' new uses. Furthermore, there is no teaching of the specific dosages to be administered as recited in claims 17-19. It is respectfully submitted that such new uses for old compounds are neither taught nor contemplated by the prior art and that the applicant's claimed methods are therefore patentable over them.

In view of the foregoing, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

LUCAS & JUST

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Applicant petitions the Commissioner of Patents and Trademarks to extend the time for response to the Office Action of January 8, 2002 for 3 month(s) from April 8, 2002 to July 8, 2002. Submitted herewith is a ~~check for \$~~ 460 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account No. 05-1675.

Marked-Up Copy of Claim

17. (Amended) A method of treating potatoes to increase crop yield by administering to a potato crop, at the end of the tuberisation phase, two doses of 50 g. each per hectare of copper salts of butyric-amino acids.